

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>U-FUEL, INC. (NV)</b>	:	<b>CIVIL ACTION</b>
	:	
<b>vs.</b>	:	
	:	
<b>HIGHLAND TANK &amp; MANUFACTURING COMPANY, INC., STEEL TANK INSTITUTE, CERTIFIED PETROLEUM TECHNOLOGIES, INC., MODERN WELDING COMPANY OF OHIO, INC.</b>	: : : : : : : : : : :	<b>NO. 02-2723</b>

**CASE MANAGEMENT ORDER NO. 2**

**AND NOW**, this 1<sup>st</sup> day of October, 2002, following a telephone scheduling conference with the parties, through counsel, on said date, **IT IS ORDERED** as follows:

1. Part IV, Discovery, of Case Management Order No. 1 dated July 25, 2002, is **VACATED**. The Court will issue a further case management order with respect to fact discovery on liability and damages, and expert witness discovery on liability and damages, the subject of Part IV of Case Management Order No. 1, at the conclusion of the *Markman* Hearing scheduled for November 1, 2002; and,

2. The *Markman* hearing will proceed as scheduled on November 1, 2002. The parties reported that they would be able to meet the schedule for *Markman* submissions (briefs, expert reports on which they intend to rely on the issue of claim construction, and witness and exhibit lists) for the *Markman* hearing as set forth in Case Management Order No. 1.

The parties having agreed that it would be appropriate to file cross-motions for summary judgment regarding the question of claim indefiniteness and that briefing on this issue can easily be made a part of the *Markman* briefing schedule, **IT IS FURTHER ORDERED** that the parties shall file and serve cross-motions for summary judgment on the question of claim indefiniteness on the

same schedule as is set forth for the submission of *Markman* briefs and expert witness reports on claim construction. Two (2) copies of each such cross-motion for summary judgment shall be served on the Court (Chambers, Room 12613) when the original is filed.

**IT IS FURTHER ORDERED** that, excepting only as noted above, Case Management Order No. 1 dated July 25, 2002, continues in effect and shall govern all further proceedings in the case.

**BY THE COURT:**

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**JAN E. DUBOIS, J.**